

# **EXHIBIT 8**

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**From:** Cross, David D.  
**Sent:** Wednesday, August 10, 2022 6:46 PM  
**To:** Bob Cheeley; Middleton, Caroline L.  
**Cc:** Bruce Brown; Kaiser, Mary; Conaway, Jenna B.; Adam M. Sparks; Halsey G. Knapp, Jr.; Ascarrunz, Veronica; Russ Abney  
**Subject:** RE: Ms. Latham's production

Bob -

With respect, the deposition revealed that the representation you made on the record was simply not accurate, as you know from being there. To reiterate that representation below in an email is, frankly, surprising and sanctionable. We repeatedly asked for all responsive documents and we were told she had produced them all. She then was forced to admit in the deposition that was untrue, even after you had represented otherwise. Tellingly, neither she nor you would even articulate the basis for your representation. So we have a compelling record that you and your client have not been forthcoming about the responsive documents she still has in her possession/custody/control, including some of which we looked at in the deposition and that still have not been produced. If you force us to litigate this, we will, and respectfully, we'll ask that your client pay our fees and costs to do so. We have been very patient for months. She can either fully comply with the subpoena by letting us conduct our own search using an independent ediscovery vendor, or we will pursue our rights in court at her expense.

Regarding your concern about privilege, we would have the vendor search for and identify any communications with you or her criminal counsel so that we would not have access to those. If there are other carve-outs you would like to discuss, we are happy to have that discussion. We're not looking to invade legitimate privilege or to access irrelevant, personal information. But it is now clear that we cannot rely on you and your client to provide all the documents that she was obligated to provide in response to our subpoenas. So this is a necessary step, compelled by the actions of you and your client.

She is under a subpoena and has a legal duty to comply. Will she do so?

Best,  
DC

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**From:** Bob Cheeley <[Bob@cheeleylawgroup.com](mailto:Bob@cheeleylawgroup.com)>  
**Date:** Wednesday, Aug 10, 2022, 6:18 PM  
**To:** Middleton, Caroline L. <[CMiddleton@mofo.com](mailto:CMiddleton@mofo.com)>  
**Cc:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>, Bruce Brown <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>, Kaiser, Mary <[MKaiser@mofo.com](mailto:MKaiser@mofo.com)>, Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>, Adam M. Sparks <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>, Halsey G. Knapp, Jr. <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>, Ascarrunz, Veronica <[VAscarrunz@mofo.com](mailto:VAscarrunz@mofo.com)>, Russ Abney <[rabney@wattsguerra.com](mailto:rabney@wattsguerra.com)>  
**Subject:** Re: Ms. Latham's production

**External Email**

No, she will not agree to produce her personal devices. There is confidential communications with legal counsel and you have not made a proper showing for such obtrusive action as she has produced everything responsive to your request. This amounts to a fishing expedition and we will not be a part of it.

**Bob Cheeley**

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On Aug 10, 2022, at 3:59 PM, Middleton, Caroline L. <CMiddleton@mofo.com> wrote:

Mr. Cheeley,

Please confirm that Ms. Latham will produce her personal devices along with the login IDs and passwords to gain access to those devices and accounts on Monday August 15<sup>th</sup> as required by the subpoena. We're willing to work with you on the logistics, including having an ediscovery vendor meet with her to image the devices, but we need this production to happen quickly. Please get back to us soon on this.

Thanks.

**CAROLINE MIDDLETON**

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